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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,352	10/16/2001	George Henry Ahrens JR.	AUS920010760US1	4236

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EXAMINER
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TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/978,352

**Applicant(s)**

AHRENS ET AL.

**Examiner**

Karen C. Tang

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/16/2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 10-14, and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Saadeh et al hereinafter Saadeh (US 5,402,431).

1. Referring to Claims 1, 10, and 19, Saadeh discloses a method in a data processing system (refer to Col 1, Lines 55-67) including a logically partitioned computer system (Examiner interprets the computer partition as the system that has been able performs multiple tasks, i.e, analyzing, configuration, accounting, performance and security, refer to Col 1, Lines 50-67) and a hardware management console (located system manager console, refer to Col 4, Lines 1-20), said hardware management console being a stand-alone system separate from said computer system (refer to Col 4, Lines 1-20), a service application (service application objects, which inherently a service application, refer to Col 5, Lines 40-67) being executable by said hardware management console for managing service (signals transmitted by the system manager device driver which is the system manager console, refer to Col 4, Lines 1-20 and Col 5, Lines 5-67) and placing

Art Unit: 2151

service calls for said logically partitioned computer system (sent out signal to perform the tasks, refer to Col 4, Lines 1-20), said method comprising the steps of: including a service partition (signals that performs reporting, monitoring, alert determination events, refer to Col 5, Lines 20-67) and a service processor (control processor, refer to 40-67) within said logically partitioned computer system (refer to Col 1, Lines 35-67, and Col 5, Lines 50-67); monitoring, by said service processor (system manager which comprised the processor, that monitors events, refer to Col 5, Lines 45-67), a presence of said service application executing on said hardware management console (system manager can detect the information/signal transmit from the system manager and the console, from the system manager console, refer to Col 4, Lines 1-20 and Col 5, 6 and 7); and response to an absence of said service application (subsystem failure, which creates an alert/response, refer to Col 7, Lines 1-10 and Col 6, Lines 45-67), reporting (refer to Col 5, Lines 1-30), utilizing said service partition system (monitor, configure and generating alert and reports, refer to Col 4 and 5), said absence of said service application to system administrator of said service partition (failure of subsystem, refer to Col 5).

2. Referring to Claims 2, 11 and 20, Saadeh discloses comprising the step of reporting (system manager that comprised processor which performs reporting function, refer to Col 5, Lines 40-67 and Col 4), from said service processor, said absence of said service application said service partition (examiner interprets the absence as the failure of the service, and partition means, the system cannot performs the service which is inherently

indicate that if the system has failure, it cannot perform the part of the service, refer to Col 5, Lines 1-10 and 10).

3. Referring to Claims 3, 12, and 21, Saadeh discloses comprising outputting a signal from said service application utilizing said hardware management console said service processor (when the attributes of the objects provides the monitoring capability which inherently indicate it sends information, which is monitored by the system, refer to Col 5, Lines 5-20); and utilizing said signal (system manager which comprised processor that send information to perform the tasks, refer to Col 5, 7, 8, 10 and Col 15, Lines 55-67), by said service processor, monitor a presence of said service application (examiner interprets the absence as the failure of the service, refer to Col 5, Lines 1-10).

4. Referring to Claims 4, 13, and 22, Saadeh discloses comprising the step of determining that service application is absent in response to absence of said signal (refer to Col 5 and 6).

5. Referring to Claims 5, 14, and 23, Saadeh discloses comprising the step of determining that said service application absent response and absence of said signal during a particular period time (the time is related to the objects, which depends on user preference can utilized as the timing signal indicate how long has the power being failure or absence, or even the failure of the subsystem/system application, and sent system the signal, refer to Col 7, 8, Col 9, Lines 5-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9, 15-18, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saadeh et al hereinafter Saadeh (US 5,402,431) in view of Weisbrod et al hereinafter Weisbrod (US 4,305,397).

1. Referring to Claims 6, 15, 24 are Saadej discloses transmit data monitoring the system (refer to Col 6, 8, and 9). Saadej discloses that the system consists capability of detecting physical errors of the system (which is inherently indicates in the case when the physical links are disconnected, the system manager would be notified, and set an alert, refer to Col 5, Lines 1-10). Saadej discloses receive the entry (receive a voice message, refer to Col 12, Lines 20-67) in response to said message (alert, refer to Col 12, Lines 15-55). Saadej discloses a message (alert, refer to Col 5, Lines 1-10) utilizing said service partition prompting (service partition is interprets as the system manager is able to perform various management components and are utilized to performs various operation, refer to Col 9, Lines 20-45) said system administrator (it is inherently that the system consists human operator such as system administrator, in the case of detecting

Art Unit: 2151

an error or sense the alert, refer to Col 10, Lines 15-67, the system manager sent out the alert and has administrator to place the service call) of said service partition.

Saadeh does not disclose check the physical link is connected to the system.

Weisbrod discloses check physical links is connected to the system (refer to Col 31, Lines 10-35).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the art of Saadeh and Weisbrod because both systems is to indicate the error that has occurs in the system, hardware or software.

The suggestion/motivation for doing so would have been Saadeh indicates the system indicates the alert would be generate when the failure to communicate with the system occurs, which Examiner interrupts as when the remote console lost communication with the system manager, the alert will generates due to the failure to communicate with the system (refer to Col 12, Lines 45-67).

2. Referring to Claim 7, 16, and 25, Saadej discloses transmit data monitoring the system (refer to Col 6, 8, and 9). Saadej discloses that the system consists capability of detecting physical errors of the system (which is inherently indicates in the case when the physical links are disconnected, the system manager would be notified, and set an alert, refer to Col 5, Lines 1-10). Saadej discloses receive the entry (receive a voice message, refer to Col 12, Lines 20-67) in response to said message (alert, refer to Col 12, Lines 15-55). Saadej discloses a message (alert, refer to Col 5, Lines 1-10) utilizing said service partition prompting (service partition is interprets as the system manager is

Art Unit: 2151

able to perform various management components and are utilized to performs various operation, refer to Col 9, Lines 20-45) said system administrator (it is inherently that the system consists human operator such as system administrator, in the case of detecting an error or sense the alert, refer to Col 10, Lines 15-67, the system manager sent out the alert and has administrator to place the service call) of said service partition.

Saadeh does not disclose check the physical link is connected to the system.

Weisbrod discloses check physical links is connected to the system (refer to Col 31, Lines 10-35).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the art of Saadeh and Weisbrod because both systems is to indicate the error that has occurs in the system, hardware or software.

The suggestion/motivation for doing so would have been Saadeh indicates the system indicates the alert would be generate when the failure to communicate with the system occurs, which Examiner interrupts as when the remote console lost communication with the system manager, the alert will generates due to the failure to communicate with the system (refer to Col 12, Lines 45-67).

3. Referring to Claims 8, 17, and 26, Saadej discloses transmit data monitoring the system (refer to Col 6, 8, and 9). Saadej discloses that the system consists capability of detecting physical errors of the system (which is inherently indicates in the case when the physical links are disconnected, the system manager would be notified, and set an alert, refer to Col 5, Lines 1-10). Saadej discloses receive the entry (receive a voice



message, refer to Col 12, Lines 20-67) in response to said message (alert, refer to Col 12, Lines 15-55). Saadej discloses a message (alert, refer to Col 5, Lines 1-10) utilizing said service partition prompting (service partition is interpreted as the system manager is able to perform various management components and are utilized to perform various operation, refer to Col 9, Lines 20-45) said system administrator (it is inherently that the system consists human operator such as system administrator, in the case of detecting an error or sense the alert, refer to Col 10, Lines 15-67, the system manager sent out the alert and has administrator to place the service call) of said service partition.

Saadeh does not disclose check the physical link is connected to the system.

Weisbrod discloses check physical links is connected to the system (refer to Col 31, Lines 10-35).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the art of Saadeh and Weisbrod because both systems is to indicate the error that has occurs in the system, hardware or software.

The suggestion/motivation for doing so would have been Saadeh indicates the system indicates the alert would be generate when the failure to communicate with the system occurs, which Examiner interrupts as when the remote console lost communication with the system manager, the alert will generates due to the failure to communicate with the system (refer to Col 12, Lines 45-67).

4. Referring to Claims 9, 18 and 27, Saadeh discloses displaying a message utilizing said service partition prompting said system administrator between said hardware

management console and said logically partitioned computer system (data transfer between the console and system manager/partitioned computer system, refer to Col 4, Lines 1-20 and Col 9, Lines 1-67); receiving an entry in response to said message (once the error has occurs, the system manager received information, which is inherently that there is a system administrator to check the message/troubleshooting tickets that is received on the system manager for trouble shooting on the physical object failure);

Saadeh does not disclose check physical links and sent the message that response to an entry that said physical links are not intact displaying a message utilizing said service partition prompting said system administrator to reestablish said physical links between said hardware management console and said logically partitioned computer system.

Weisbrod discloses check physical links and sent the message that response to an entry that said physical links are not intact (refer to Col 31, Lines 10-35), and which is obvious that the message is a form that indicate the system administrator to reestablished the physical links.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the art of Saadeh and Weisbrod because both systems is to indicate the error that has occurs in the system, hardware or software.

The suggestion/motivation for doing so would have been Saadeh indicates the system indicates the alert would be generate when the failure to communicate with the system occurs, which Examiner interrupts as when the remote console lost communication with

the system manager, the alert will generate due to the failure to communicate with the system (refer to Col 12, Lines 45-67).

***Conclusion***

A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT  
Karen Tang  
7/18/05

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER